

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SYMBOLOGY INNOVATIONS, LLC

Plaintiff,

v.

VALVE CORPORATION,  
GEARBOX SOFTWARE, LLC  
Defendant.

Civil Action No. 2:23-cv-419-JRG-RSP

**JURY TRIAL DEMANDED**

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**DEFENDANT VALVE CORPORATION’S MOTION TO EXPEDITE BRIEFING  
ON MOTION TO STRIKE PLAINTIFF’S THIRD AMENDED COMPLAINT**

Pursuant to Local Rule CV-7(e), Defendant Valve Corporation (“Valve”) respectfully moves this Court for an Order expediting the briefing schedule on Valve’s Motion to Strike Plaintiff’s Third Amended Complaint (Dkt. No. 57) (“Motion to Strike”). Plaintiff Symbology Innovations, LLC (“Symbology”) opposes Valve’s Motion to Strike as well as this Motion for Expedited Briefing.

Valve filed a Motion to Strike on April 8, 2024. Under the Local Rules and the Court’s Standing Order, Plaintiff has 14 days to file a response. *See* Local Rule CV-7(a)(2), (e), (f). Under Local Rule CV-7(e) “[a]ny party may separately move for an order of this court lengthening or shortening the period within which a response may be filed.”

Due to the nature of the relief sought in Valve’s Motion to Strike, Valve believes that expedited briefing is appropriate. Specifically, as explained in Valve’s Motion to Strike, Symbology violated this Court’s Venue Order (Dkt. 24) by failing to file a response to Valve’s motion to dismiss. Valve moved to dismiss Symbology’s original complaint, First Amended Complaint, and Second Amended Complaint under Rule 12(b)(3) because venue is improper in

this District as to Valve. Dkts. 11, 37, 45. The parties agreed to, and this Court ordered, that Symbology could “conduct limited, expedited venue discovery.” Dkt. 24 at 1. This Court ordered that, after the close of venue discovery, Symbology’s “response to the Motion to Dismiss shall be filed” by March 11, 2024. Dkt. 24, ¶ 7. Valve agreed to extend this deadline to March 21. Dkts. 48-49. Instead of complying with the Court’s order to file a response to Valve’s renewed motion to dismiss, Plaintiff filed its Third Amended Complaint. Dkt. 52.

Symbology has no good cause for filing a Third Amended Complaint instead of a response brief as this Court ordered. The only purpose for Symbology’s failure to file a response in violation of this Court’s Venue Order is to delay the Court’s orderly process for timely resolving the issue of whether venue over Valve is proper in this District. Indeed, the Court can consider the entirety of Symbology’s evidence without the need to include the information in its operative complaint. Symbology could have, and should have, included these arguments in an opposition brief. *Decapolis Sys., LLC v. Epic Sys. Corp.*, No. W-21-CV-00434-ADA, 2021 WL 5908403, at \*2 (W.D. Tex. Dec. 14, 2021) (“Plaintiff must now address the merits of the Motion to Dismiss. Moreover, [plaintiff’s] amendments to the venue allegations in the original complaint are better suited for a response to the Motion to Dismiss.”).

The parties conducted more than three months of venue discovery. Valve produced numerous documents and answered written discovery requests. Symbology deposed Valve under Rule 30(b)(6). No additional venue discovery is contemplated or necessary. Symbology should not be permitted to continuously delay resolution of Valve’s motion to dismiss when the question of whether venue against Valve is proper in this District is ripe for briefing and adjudication.

Therefore, Defendants respectfully request the following schedule for the briefing on Defendants’ Motion to Strike:

Event	Date
Opening Brief	April 8, 2024
Opposition Brief	April 15, 2024
Reply Brief	April 19, 2024
Sur-Reply Brief	April 22, 2024

Dated: April 8, 2024

Respectfully submitted,

/s/ Shaun W. Hassett, with permission for  
Kathleen R. Geyer

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*Attorneys for Defendant*

*Valve Corp.*

**CERTIFICATE OF CONFERENCE**

Pursuant to the Federal Rules of Civil Procedure and Local Rule CV-7(i), I hereby certify that, on April 4, 2024, counsel for Valve met and conferred with counsel for Plaintiff regarding the subject of the above motion. Plaintiff indicated that they opposed the motion.

/s/ Shaun W. Hassett  
Shaun W. Hassett